



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 14, 2001

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. W. M. (Neal) Abernathy,
Planning & Engineering
Fina Oil and Chemical Company
P.O. Box 2159
Dallas, Texas 75221

Re: File No. AED/MSEB - 6028
NOTICE OF VIOLATION OF THE CLEAN AIR ACT

Dear Mr. Abernathy:

During February 1998, the U.S. Environmental Protection Agency ("EPA") audited Fina Oil and Chemical Company ("Fina"), located in Dallas, Big Spring, and Port Arthur, Texas. The audit was conducted to determine compliance with the Clean Air Act ("Act"), 42 U.S.C. § 7545(k), and the fuels regulations issued thereunder (40 C.F.R. Part 80).

Where inappropriate fuels are used in internal combustion engines the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

The EPA fuels regulations require reformulated and conventional gasoline to meet certain emission standards and impose on refiners a number of quality assurance, recordkeeping, and reporting requirements. As a result of the audit, EPA determined that Fina failed to comply with the fuels regulations as follows:

- (1) Failed to use the olefins and aromatics test method as required by 40 C.F.R. §§ 80.46 and 80.101.
- (2) Failed to determine the required properties and/or maintain the original laboratory analyses as required by 40 C.F.R. § 80.101(i) and § 80.104.

- (3) Failed to conduct the attest audit as required by
40 C.F.R. § 80.128.

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize EPA to assess a civil penalty of up to \$27,500 per day for each such violation plus the economic benefit or savings resulting from the violation. In determining the appropriate penalty for violations such as this, we consider the gravity of the violations, the economic benefit or savings (if any) resulting from the violations, the size of your business, your history of compliance with the Act, actions taken by you to remedy the violations and prevent future violations, the effect of the penalty on your ability to continue in business and other matters as justice may require. Based on these factors, we propose a civil penalty of \$15,000 for the violations alleged in this Notice.

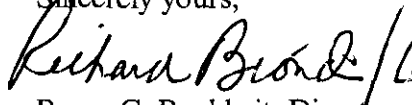
We encourage early settlement of matters such as this. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violation is corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

Please contact the EPA attorney designated below regarding this Notice:

Jocelyn L. Adair, Attorney
U.S. Environmental Protection Agency
Mobile Sources Enforcement Branch (2242-A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Phone number: (202) 564-1011

Let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,


Bruce C. Buckheit, Director
Air Enforcement Division